

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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|-------------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 04-10696-RCL |
| |) | |
| \$78,990.00 IN U.S. CURRENCY, |) | |
| Defendant. |) | |
| HIRAM RODRIGUEZ, |) | |
| Claimant. |) | |

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and claimant Hiram Rodriguez ("Rodriguez"), by his attorney, Stephen Hrones, submit this Joint Statement pursuant to Local Rule 16.1.

1. **Plaintiff's Statement of the Case¹:** The United States alleges in its Verified Complaint for Forfeiture In Rem that the \$78,990 in U.S. Currency (the "Defendant Currency") is subject to seizure and forfeiture to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and (b) because it constitutes something of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, proceeds traceable to such an exchange, and/or moneys, negotiable instruments, or securities

¹ Counsel for Rodriguez, who has been on trial this week, will file a Statement of the Case under separate cover.

used or intended to be used to facilitate any violation of the Act.

In approximately May 2003, the United States Drug Enforcement Administration ("DEA") received information from a confidential source (the "CS") that Hiram Rodriguez ("Rodriguez") was involved in the distribution of hundred pound quantities of marijuana from Texas to Massachusetts. Rodriguez was also identified by the CS as the principal leader within an organization that was distributing large quantities of marijuana in the Lawrence, Massachusetts, area. The investigation, which is described in more detail in the Affidavit of Special Agent Michael O'Shaughnessy in support of the Complaint for Forfeiture In Rem, revealed that Rodriguez was to receive a large sum of money on July 25, 2003 in partial payment for his delivery of 263 pounds of marijuana to another individual on July 13, 2003. On July 25, 2004, through surveillance and confidential source information, agents monitored the delivery of the money to two individuals inside a silver Toyota Tacoma pick-up truck. A Massachusetts State Police Trooper stopped the truck and discovered a plastic baggie containing United States currency comprised of large and small denominations. The Trooper took custody of the currency, which was subsequently transferred to the DEA and determined to be \$78,990 in U.S. currency.

2. The parties have conferred pursuant to the Local Rules and confirm their obligation to limit discovery as set forth in Fed.R.Civ.P. 26(b).

3. The parties propose the following schedule for discovery events and the filing of pre-trial motions:

- a. discovery, including interrogatories and document requests, and any necessary depositions to be completed by December 17, 2004;
- b. dispositive motions to be filed on or before January 28, 2005;
- c. opposition to dispositive motions to be filed on or before February 11, 2005.

4. The parties request that the Court then schedule a hearing on dispositive motions, or act upon the motions without hearing if the Court decides no hearing is necessary. If the case is not disposed of by motion, the parties will confer and then seek an additional Scheduling Conference with respect to further conduct of the case.

5. The parties consent to trial by magistrate judge.

Respectfully submitted,

MICHAEL J. SULLIVAN,
United States Attorney

HIRAM RODRIGUEZ,

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Date: August 19, 2004

² By Assistant United States Attorney Kristina E. Barclay, with permission.

³ By Assistant United States Attorney Kristina E. Barclay, with verbal permission.